

(6) Secretary

The term “Secretary” means—

- (A) the Secretary of Agriculture with respect to national forests; and
- (B) the Secretary of the Interior with respect to—
 - (i) public lands;
 - (ii) national parks; and
 - (iii) wildlife refuges.

(7) Wildlife refuge

The term “wildlife refuge” means lands and waters included in the National Wildlife Refuge System (as established by section 668dd of this title).

(8) Conduct

The term “conduct” does not include speech protected by the first article of amendment to the Constitution.

(Pub. L. 103–322, title XXXII, §320808, Sept. 13, 1994, 108 Stat. 2122.)

CHAPTER 73—RHINOCEROS AND TIGER CONSERVATION

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§ 5301. Findings

The Congress finds the following:

- (1) The world’s rhinoceros population is declining at an alarming rate, a 90 percent decline since 1970.
- (2) All 5 subspecies of tiger are currently threatened with extinction in the wild, with approximately 5,000 to 6,000 tigers remaining worldwide.
- (3) All rhinoceros species have been listed on Appendix I of CITES since 1977.
- (4) All tiger subspecies have been listed on Appendix I of CITES since 1987.
- (5) The tiger and all rhinoceros species, except the southern subspecies of white rhinoceros, are listed as endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
- (6) In 1987, the parties to CITES adopted a resolution that urged all parties to establish a moratorium on the sale and trade in rhinoceros products (other than legally taken trophies), to destroy government stockpiles of rhinoceros horn, and to exert pressure on countries continuing to allow trade in rhinoceros products.
- (7) On September 7, 1993, under section 1978 of title 22 the Secretary certified that the People’s Republic of China and Taiwan were en-

gaged in trade of rhinoceros parts and tiger parts that diminished the effectiveness of an international conservation program for that endangered species.

(8) On September 9, 1993, the Standing Committee of CITES, in debating the continuing problem of trade in rhinoceros horn and tiger parts, adopted a resolution urging parties to CITES to implement stricter domestic measures, up to and including an immediate prohibition in trade in wildlife species.

(9) On November 8, 1993, under section 1978 of title 22, the President announced that the United States would impose trade sanctions against China and Taiwan unless substantial progress was made by March 1994 towards ending trade in rhinoceros and tiger products.

(10) On April 11, 1994, under section 1978 of title 22, the President—

(A) directed that imports of wildlife specimens and products from Taiwan be prohibited, in response to Taiwan’s failure to undertake sufficient actions to stop illegal rhinoceros and tiger trade; and

(B) indicated that the certification of China would remain in effect and directed that additional monitoring of China’s progress be undertaken.

(Pub. L. 103–391, §2, Oct. 22, 1994, 108 Stat. 4094.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in par. (5), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

SHORT TITLE

Section 1 of Pub. L. 103–391 provided that: “This Act [enacting this chapter] may be cited as the ‘Rhinoceros and Tiger Conservation Act of 1994’.”

§ 5302. Purposes

The purposes of this chapter are the following:

- (1) To assist in the conservation of rhinoceros and tigers by supporting the conservation programs of nations whose activities directly or indirectly affect rhinoceros and tiger populations, and the CITES Secretariat.
- (2) To provide financial resources for those programs.

(Pub. L. 103–391, §3, Oct. 22, 1994, 108 Stat. 4095.)

§ 5303. Definitions

In this chapter—

(1) “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed on March 3, 1973, and its appendices;

(2) “conservation” means the use of all methods and procedures necessary to bring rhinoceros and tigers to the point at which there are sufficient populations to ensure that those species do not become extinct, including all activities associated with scientific resource management, such as research, census, law enforcement, habitat protection, acquisition, and management, propagation, live trapping, and transportation;